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STATUTORY INSTRUMENTS

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**2020 No. 1183**

**The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium, High and Very High) (England) (Amendment) (No. 3) Regulations 2020**

**Amendments to the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020**

4.—(1) The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020 are amended as follows.

(2) In regulation 2(1), after the opening words, insert—

““alcohol” has the meaning given in section 191 of the Licensing Act 2003(1);”.

(3) In Schedule 1—

(a) in paragraph 14—

(i) in sub-paragraph (7), for the words from “there is no practical alternative” to the end, substitute—

“—

(a) there is no practical alternative for staff at that workplace to obtain food or drink between those hours, and

(b) alcohol is not served between those hours in the carrying on of the business, or the provision of the service, concerned.”;

(ii) omit sub-paragraph (8);

(b) in paragraph 16—

(i) in sub-paragraph (1), for “sale” substitute “provision”;

(ii) in sub-paragraph (2)—

(aa) after “served as” insert “breakfast,”;

(bb) for “either such” substitute “such a”;

(iii) in sub-paragraph (3)(a), for “sold” both times it occurs, substitute “provided”;

(c) in paragraph 17(3), at the end insert “and any exceptions specified in Schedule 2A in relation to an area specified in that Schedule”.

(4) In Schedule 2, after “Wirral Metropolitan Borough Council”, insert—

*“Nottinghamshire*

Ashfield District Council

Bassetlaw District Council

Broxtowe Borough Council

Gedling Borough Council

Mansfield District Council  
Newark & Sherwood District Council  
Nottingham City Council  
Rushcliffe Borough Council”.

(5) In Schedule 2A—

- (a) in paragraphs 1(2), 2(2), 3(2), 4(2), after “play areas” insert “and soft play centres”;
- (b) after paragraph 5, insert—

**“Nottinghamshire**

**6.** The businesses and services set out paragraphs 7 to 11 are restricted businesses and restricted services in those areas listed in Schedule 2 in relation to Nottinghamshire, subject to the exceptions set out in paragraph 12.

**7.—(1)** The following businesses and services are restricted businesses and restricted services unless sub-paragraph (2) applies—

- (a) restaurants, including restaurants and dining rooms in hotels or members’ clubs;
- (b) cafes, including workplace canteens, but not including—
  - (i) cafes or canteens at a hospital, care home or school,
  - (ii) canteens at criminal justice accommodation or an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence, or
  - (iii) services providing food or drink to the homeless;
- (c) bars, including bars in hotels or members’ clubs;
- (d) public houses;
- (e) social clubs.

(2) This sub-paragraph applies if—

- (a) food and drink is only served for consumption on the premises as, or as part of, a table meal, and the meal is such as might be expected to be served as breakfast, the main midday or main evening meal, or as a main course at such a meal, and
- (b) the business does not provide (whether for payment or otherwise)—
  - (i) a waterpipe to be used for the consumption of tobacco or any other substance on the premises, or
  - (ii) a device to be used for the inhalation of nicotine or any other substance on the premises.

(3) For the purposes of this paragraph—

- (a) food or drink provided by a hotel or other accommodation as part of room service is not to be treated as being provided for consumption on the premises;
- (b) an area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business), or where customers gather to eat or drink outside the business, is to be treated as part of the premises of that business;
- (c) “table meal” has the meaning given in paragraph 16 of Schedule 1.

(4) The businesses and services referred to in this paragraph are also restricted businesses and restricted services for the purposes of paragraphs 13 and 15 of Schedule 1, notwithstanding paragraph 19(8) of that Schedule.

**8.—**(1) The sale of alcohol for consumption off the premises between the hours of 21:00 and 05:00, and paragraph 7(3)(b) applies to determine the extent of the premises for these purposes.

(2) Betting shops and adult gaming centres.

(3) Casinos.

(4) Bingo halls.

(5) Car boot sales and auction houses (except for auctions of livestock or agricultural equipment).

**9.—**(1) Indoor amusement arcades.

(2) Indoor bowling alleys.

(3) Indoor play centres and indoor play areas, including soft play areas and soft play centres.

(4) Indoor games, recreation and entertainment venues, such as laser quests and escape rooms (and for these purposes, “entertainment venue” does not include a cinema, theatre or concert hall).

(5) Indoor skating rinks (other than ice-skating rinks).

(6) Indoor attractions at—

(a) visitor attractions such as—

(i) botanical or other gardens, biomes or greenhouses;

(ii) stately homes, castles or other heritage sites;

(iii) model villages;

(iv) landmarks, including observation wheels or viewing platforms;

(b) aquariums, zoos, safari parks, farms, wildlife centres and any other place where animals are exhibited to the public as an attraction;

(c) centres for adventure activities, theme parks, circuses, funfairs and fairgrounds;

(d) museums and galleries.

(7) For the purposes of sub-paragraph (6), an “indoor attraction” means those parts of a venue, including visitor centres but not including toilets for visitors, which—

(a) would be considered to be enclosed or substantially enclosed for the purposes of section 2 of the Health Act 2006 under the Smoke-free (Premises and Enforcement) Regulations 2006(2), and

(b) are, in normal times, open for members of the public to visit for the purposes of recreation, whether or not for payment.

**10.—**(1) Spas and beauty salons—

(a) including any premises providing beauty services;

(b) but not including a hairdresser or barber, provided that it does not provide any services within paragraph (a).

- (2) Tanning booths and salons.
- (3) Nail bars and salons.
- (4) Tattoo parlours.
- (5) Piercing parlours.
- (6) Sauna and steam rooms (including saunas and steam rooms in gyms or leisure centres).

**11.—(1)** Conference centres and exhibition halls, so far as they are used to host conferences, exhibitions, trade shows, private dining events or banquets, other than conferences or events which are attended only by employees of the person who owns or is responsible for running the conference centre or exhibition hall.

(2) For the purposes of this paragraph, a “trade show” is an event held to bring together members of a particular industry to display, demonstrate and discuss their latest products and services with members of the public.

### **Exceptions**

**12.—(1)** Subject to paragraph 8(1), paragraph 17(1) of Schedule 1 and paragraph 7 do not prevent any person from selling food or drink for consumption off the premises.

(2) Where a person (“P”) is carrying on a restricted business from, or providing a restricted service at, a workplace canteen, paragraph 17(1) of Schedule 1 and paragraph 7 do not prevent P from carrying on that business, or providing that service, if there is no practical alternative for staff at that workplace to obtain food or drink, whether or not the condition in paragraph 7(2)(a) is satisfied.

(3) Subject to sub-paragraph (4), paragraph 17(1) of Schedule 1 and paragraph 8(1) do not prevent a person from selling alcohol for consumption off the premises between the hours of 21:00 and 05:00—

- (a) by making deliveries in response to orders received—
  - (i) through a website, or otherwise by on-line communication,
  - (ii) by telephone, including orders by text message, or
  - (iii) by post, or
- (b) to a purchaser who collects the alcohol that has been pre-ordered by a means mentioned in paragraph (a).

(4) Between the hours of 22:00 and 05:00, a person carrying on a business which is a restricted business or restricted service for the purposes of paragraph 13 of Schedule 1 may only sell alcohol in a way permitted by paragraph 14(1) of Schedule 1.”.